

## REMARKS

### **I. Status of the Claims**

Claims 1-3 and 11-28 are pending in the application. Claims 1-3 and 11-28 stand rejected under 35 U.S.C. §112, first paragraph. The specific grounds for rejection, and applicants' response thereto, are set out in detail below.

### **II. Rejection Under 35 U.S.C. §112, First Paragraph**

The examiner maintains that claims 1-3 and 11-28. The concerns fall into two categories. First, the examiner questions whether applicants' methods apply beyond non-small cell lung cancer. Second, there is a concern that probes other than SEQ ID NO:1 are not enabled. Applicants traverse.

With regard to the first issue, applicants respectfully disagree with the examiner, but the claims now have been amended to recite identifying individuals at risk of non-small cell lung cancer. This is believed to comport with the examiner's perception of enabled subject matter.

With regard to the second issue, applicants perceive the examiner's primary concern to be not that the claims encompass more than RPL14, but that the definition of RPL14 is insufficient to delineate a particular gene. This is evidenced, allegedly, by the examiner's citation of a second RPL14 gene (AF329277). According to Qi *et al.*, this gene is located at 6q21-q23. Thus, applicants have amended the claims to recite that the RPL14 of the present invention resides at chromosomal location 3p, clearly distinguishing this probe from that of Qi *et al.* As such, it is believed that the amended claims address the examiner's other concerns.

Finally, the name PTEN/MMAC1 is not an arbitrary name. PTEN is a well known tumor suppressor, giving some 64 hits on a PubMed search. However, the relevant claim has been

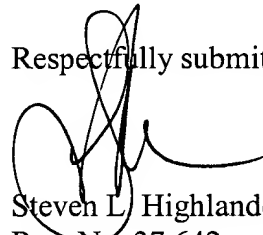
canceled. With regard to GC20, applicants submit that the inclusion of a SEQ ID identifier for this gene permits one to adequately determine the nature of this probe.

In light of the foregoing, reconsideration and withdrawal of the rejection is respectfully requested.

### **III. Conclusion**

In light of the foregoing, applicants respectfully submit that all claims are in condition for allowance, and an early notification to that effect is earnestly solicited. Should the examiner have any questions regarding this response, a telephone call to the undersigned is invited.

Respectfully submitted,



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